



## U.S. COMMODITY FUTURES TRADING COMMISSION

Three Lafayette Centre  
1155 21<sup>st</sup> Street, NW, Washington, DC 20581  
[www.cftc.gov](http://www.cftc.gov)

FOIA Office

September 23, 2019

Taylor Amarel  
MuckRock News, DEPT MR 80026, 411A Highland Ave.  
Somerville, MA 02144-2516

RE: 19-00122-FOIA

Dear Mr. Amarel:

This is in response to your request dated September 8, 2019, under the Freedom of Information Act seeking access to [All emails sent to, from, or copied to: J. Christopher Giancarlo, from January 1, 2016 to Present Day containing any of the following non-case-sensitive key-string "whistleblower", "laundering" or "prosecution"].]

In accordance with the FOIA and agency policy, we have searched our records, as of September 11, 2019, the date we received your request in our FOIA office.

We have located 37 responsive records. I am granting partial access to, and am enclosing copies of, the accessible records. Some pages, and portions of other pages, fall within the exemptions to the FOIA's disclosure requirements, as explained below.

Some responsive records are exempt from disclosure under FOIA Exemption 3, 5 U.S.C. § 552(b)(3), because they are exempt from disclosure by another statute. Specifically, Section 26 (h)(2)(A) of the Commodity Exchange Act, 7 U.S.C. § 26(h)(2)(A), prohibits the release of information, including information provided by a whistleblower, which could reasonably be expected to reveal the identity of a whistleblower.

Some responsive records contain staff analyses, opinions, and recommendations. Those portions are deliberative and pre-decisional and are an integral part of the agency's decision making process. They are exempt from the FOIA's disclosure requirements by FOIA Exemption 5. 5 U.S.C. § 552(b)(5); *See NLRB v. Sears, Roebuck & Co.*, 421 U.S. 132 (1975).

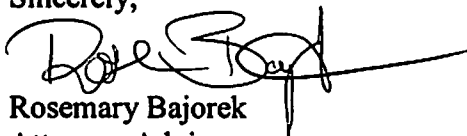
Some responsive records are exempt from disclosure under FOIA Exemption 7(A), 5 U.S.C. § 552(b)(7)(A), because disclosure of that material could reasonably be expected to interfere with the conduct of the Commission's law enforcement activities. *See Robbins Tire & Rubber Co. v. NLRB*, 437 U.S. 214 (1978).

If you have any questions about the way we handled your request, or about our FOIA regulations or procedures, please contact me at 202-418-5912, or Jonathan Van Doren, our FOIA Public Liaison, at 202-418-5505.

Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001, email at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

If you are not satisfied with this response to your request, you may appeal by writing to Freedom of Information Act Appeal, Office of the General Counsel, Commodity Futures Trading Commission, Three Lafayette Centre, 8<sup>th</sup> Floor, 1155 21<sup>st</sup> Street, N.W., Washington, D.C. 20581, within 90 days of the date of this letter. Please enclose a copy of your original request and a copy of this response.

Sincerely,

A handwritten signature in black ink, appearing to read "Rose Bajorek", with a long horizontal line extending to the right.

Rosemary Bajorek  
Attorney-Advisor